

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID PEARSON,

Petitioner,

Civil No. 07-10780

Honorable David M. Lawson

v.

JERI-ANN SHERRY,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND GRANTING THE RESPONDENT'S MOTION TO  
DISMISS**

Presently before the Court is the report issued on April 15, 2009 by Magistrate Judge Steven D. Pepe pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss Mr. Pearson's petition for writ of habeas corpus. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 13] is **ADOPTED**.

It is further **ORDERED** that Mr. Pearson's petition for writ of habeas corpus is **DISMISSED with prejudice**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: May 4, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 4, 2009.

s/Lisa M. Ware

LISA M. WARE